

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN HOWARD MORGAN, #269876,

Petitioner,

v.

CASE NO. 1:22-CV-11951
HON. THOMAS L. LUDINGTON

DANIEL LESATZ,

Respondent.

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ORDER OF TRANSFER

Michigan prisoner John Howard Morgan (“Petitioner”), confined at the Baraga Maximum Correctional Facility in Baraga, Michigan, has filed a pro se habeas petition, along with an application to proceed in forma pauperis and motions for appointment of counsel and evidentiary hearing, pursuant to 28 U.S.C. § 2254 challenging his state criminal proceedings. Petitioner was convicted of two counts of first-degree criminal sexual conduct and one count of second-degree criminal sexual conduct following a jury trial in the Kalamazoo County Circuit Court and was sentenced, as a third habitual offender, to concurrent terms of 25 to 50 years imprisonment and 20 to 30 years imprisonment in 2019.

A habeas petition submitted by a person in state custody may be filed in the district where the person is in custody or in the district where the person was convicted and sentenced. *See* 28 U.S.C. § 2241(d). The district in which the petitioner files his habeas petition may, in the exercise of its discretion and in furtherance of justice, transfer the petition to another district court for hearing and determination. *Id.*

Petitioner was convicted in Kalamazoo County, Michigan and is confined in Baraga County, Michigan. Both of those counties lie in the Western District of Michigan. *See* 28 U.S.C. § 102(b).

Accordingly, in the interests of justice, the Court exercises its discretion and transfers this case to the United States District Court for the Western District of Michigan. The Court makes no determination as to the merits of this case. The Court **ORDERS** the Clerk of the Court to transfer the court file to the United States District Court for the Western District of Michigan.

s/ David R. Grand
DAVID R. GRAND
UNITED STATES MAGISTRATE JUDGE

Dated: August 23, 2022